

REMARKS

This is in response to the first Final Office Action of March 17, 2004. By this Amendment, all claims have been cancelled, except for claims 39-42, which claims have been indicated as allowable by the Examiner. Thus, this application is now in condition for allowance.

In the Final Office Action, the Examiner stated that the Information Disclosure Statement filed December 1, 2003, fails to comply with 37C.F.R. §1.97(c) because it lacks a statement as specified in 37C.F.R. §1.97(e) with respect to U.S. Patent "4,900,890" [sic] which should have been U.S. Patent No. 4,900,888. However, such a statement is not mandatory. 37C.F.R. §1.97(c) is satisfied so long as the fee set forth in 37C.F.R. §1.17(p) accompanies the statement. See, 37C.F.R. §1.97(c)(2). (The amount of this fee is \$180.00.) In the last Amendment, the PTO was expressly authorized to charge any such fee to the undersigned attorneys' Deposit Account No. 06-1358. See, the cover letter accompanying the Amendment which stated that "[t]he Commissioner is also authorized to charge payment of any other additional fees associated with this communication . . . to Deposit Account No. 06-1358." Accordingly, the PTO should have charged the undersigned attorneys' deposit account and the reference should have been considered by the Examiner. At a minimum, even if the Examiner thought the disclosure was not in compliance, the Examiner should have provided additional time to enable full compliance in accordance with 37C.F.R. §1.98(f), since, clearly, a *bona fide* attempt to comply was made.

Accordingly, Applicant again requests that U.S. Patent No. 4,900,888 to Lee be considered and made of record, even though the Lee patent has no adverse impact on the allowability of the present claims for at least the following reasons.

The Lee '888 patent discloses a holder for a workpiece including two rectangular plates stacked one above the other and having substantially the same dimensions. According to figures 3 and 4 and column 2, line 65 through column 3, line 13, an insulating layer 13 is interposed between the two holder plates. Such insulating layer 13 is subdivided into two parts by a permanent magnet insert 12 extending lengthwise through a cavity between both plates. The insert 12 is coupled to a bar 16 (figure 3) which, obviously, is intended to turn the magnetic insert 12 about the longitudinal axis thereof for an angle of approximately 90 degrees.

The workpiece 3 is held towards the holder 1 magnetically by a number of ferromagnetic blocks 20 (figures 2 and 4) mounted laterally to the workpiece 3. Column 3, lines 45-56 suggest that the magnetic insert 12 in a position as shown in figure 4 has its magnetic poles one above the other, *i.e.*, in the so-called ON position. The magnetic flux extends from one pole to the other through the upper plate of holder 1 and blocks 20 and returns through the lower plate of holder 1 to the second pole. Thereby, the workpiece 3 is held magnetically. In case the bar 16 is turned upright, the blocks 20 face only one magnetic pole to the effect that the magnetic holding force for the blocks 20 drops substantially to zero.

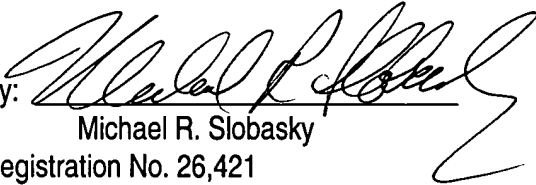
Significantly, nothing in the Lee reference discloses or suggests that the layer 13 is a vibration damper as claimed in claims 39-42. The insulating layer 13 has only the purpose of magnetically separating the upper plate from the lower plate of holder 1. Without the insulating layer 13, the magnetic flux would find a bypass through the holder 1. Therefore, the insulating layer 13 serves the only purpose of directing the magnetic flux from one magnetic pole to the other magnetic pole of the insert 12 through the blocks 20. By contrast, the present invention has nothing to do with magnetic holding forces for the workpiece to the holder.

Accordingly, the Lee '888 patent was properly cited in the previous Amendment in full compliance with 37C.F.R. §1.97(c), and the undersigned attorneys' deposit account, No. 06-1358, should be debited with the amount of \$180.00 and the reference made of record. Claims 39-42 should remain allowable.

This application is now in condition for allowance. Should the Examiner have any questions after reviewing this response, he is cordially invited to telephone the undersigned attorneys.

Respectfully submitted,

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